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Legislative History – Montana Session Law

Chapter: 22

Session L: 2019

Checklist of Bill History

Bill Number: HB 47

History and Final Status Sheet ☒

Introduced Bill ☒

Fiscal Note ☐

Third Reading Bill ☐

Final Version of Bill ☐

House	Senate
Committee: Judiciary	Committee: Judiciary
Hearing Date(s): 1/14/2019	Hearing Date(s): 2/7/2019
Committee Report: 1/24/2019	Committee Report: 2/8/2019

Compiler Notes

Compiled by: SK Marshall

Date: 1/8/2025

Notes: Audio/Video recordings can be found here:

Senate Hearing: [https://sg001-](https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20190207/-1/33809#handoutFile)

[harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20190207/-1/33809#handoutFile](https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20190207/-1/33809#handoutFile)

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
02/27/19	Chapter Number Assigned				
02/26/19	(H) Signed by Governor				
02/19/19	(H) Transmitted to Governor				
02/19/19	(S) Signed by President				
02/19/19	(H) Signed by Speaker				
02/18/19	(C) Printed - Enrolled Version Available				
02/18/19	(H) Returned from Enrolling				
02/14/19	(H) Sent to Enrolling				
02/13/19	(S) Returned to House				
02/13/19	(S) 3rd Reading Concurred		46	4	
02/13/19	(S) Scheduled for 3rd Reading				
02/12/19	(S) 2nd Reading Concurred		41	9	
02/12/19	(S) Scheduled for 2nd Reading				
02/08/19	(S) Committee Report--Bill Concurred	(S) Judiciary			
02/08/19	(S) Committee Executive Action--Bill Concurred	(S) Judiciary	10	0	
02/07/19	(S) Hearing	(S) Judiciary			
01/30/19	(S) Referred to Committee	(S) Judiciary			
01/30/19	(S) First Reading				
01/29/19	(H) Transmitted to Senate				
01/29/19	(H) 3rd Reading Passed		99	0	
01/29/19	(H) Scheduled for 3rd Reading				
01/28/19	(H) 2nd Reading Passed		99	1	
01/28/19	(H) Scheduled for 2nd Reading				
01/24/19	(C) Printed - New Version Available				
01/24/19	(H) Committee Report--Bill Passed as Amended	(H) Judiciary			
01/24/19	(H) Committee Executive Action--Bill Passed as Amended	(H) Judiciary	19	0	
01/14/19	(H) Hearing	(H) Judiciary			
01/07/19	(H) First Reading	(H) Judiciary			
12/15/18	(H) Referred to Committee	(H) Judiciary			

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
12/11/18	(C) Introduced Bill Text Available Electronically				
12/11/18	(H) Introduced				
12/06/18	(C) Pre-Introduction Letter Sent				
12/06/18	(C) Pre-Introduction Letter Sent				
12/06/18	(C) Executive Director Review				
12/06/18	(C) Bill Draft Text Available Electronically				
12/06/18	(C) Draft in Final Drafter Review				
12/05/18	(C) Draft to Drafter - Edit Review [SMH]				
12/05/18	(C) Draft in Legal Review				
12/05/18	(C) Draft Back for Redo				
12/05/18	(C) Executive Director Review				
12/05/18	(C) Draft in Assembly				
12/04/18	(C) Bill Draft Text Available Electronically				
12/04/18	(C) Draft in Final Drafter Review				
12/03/18	(C) Draft to Drafter - Edit Review [SMH]				
12/03/18	(C) Draft in Edit				
12/03/18	(C) Draft in Legal Review				
11/21/18	(C) Draft to Requester for Review				
11/14/18	(C) Draft to Requester for Review				
07/30/18	(C) Draft Request Received				

HOUSE BILL NO. 47

INTRODUCED BY T. MOORE

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CRIMINAL RECORDS LAWS; REVISING WHEN AN INDIVIDUAL WHO IS CITED OR ARRESTED MUST BE PHOTOGRAPHED AND FINGERPRINTED; REVISING WHEN A VICTIM MUST BE NOTIFIED OF A REQUEST FOR EXPUNGEMENT OF MISDEMEANOR RECORDS; AND AMENDING SECTIONS 44-5-202 AND 46-18-1101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 44-5-202, MCA, is amended to read:

"44-5-202. Photographs and fingerprints. (1) The following agencies may, if authorized by subsections (2) through (5), collect, process, and preserve photographs and fingerprints:

(a) any criminal justice agency performing, under law, the functions of a police department or a sheriff's office, or both;

(b) the department of corrections; and

(c) the department of justice.

(2) The department of corrections may photograph and fingerprint anyone under the jurisdiction of the division of corrections or its successor.

(3) A criminal justice agency described in subsection (1)(a) shall photograph and fingerprint a person who has been arrested or noticed or summoned to appear to answer an information or indictment if:

(a) the charge is the commission of a felony or a misdemeanor except as provided in subsection (5);

(b) the identification of an accused is in issue; or

(c) it is required to do so by court order.

(4) Whenever a person charged with the commission of a felony or a misdemeanor is not arrested, the person shall appear before the sheriff, chief of police, or other concerned law enforcement officer for fingerprinting at the time of initial appearance in court to answer the information or indictment against the person. The individual being fingerprinted shall present the charging document, information, or citation at the time of fingerprinting, and the charging document, information, or citation must be returned to the individual after the fingerprints are taken.

(5) An individual who is issued a notice to appear or who is arrested for a misdemeanor traffic, regulatory, or fish and game offense ~~may not~~ must be photographed or fingerprinted ~~unless~~ if the individual is incarcerated or if the offense carries a penalty of incarceration.

(6) Within 10 days, the originating agency shall send the state repository a copy of each fingerprint taken on a completed form provided by the state repository.

(7) The state repository shall compare the fingerprints received with those already on file in the state repository. If it is determined that the individual is wanted or is a fugitive from justice, the state repository shall at once inform the originating agency. If it is determined that the individual has a criminal record, the state repository shall send the originating agency a copy of the individual's complete criminal history record.

(8) If an individual is released without the filing of charges, if the charges did not result in a conviction, or if a conviction is later invalidated, the court having jurisdiction in the criminal action shall report the disposition to the state repository as required in 44-5-213(2) within 14 business days. Photographs and fingerprints taken of the individual must be returned by the state repository to the originating agency, which shall return all copies to the individual from whom they were taken. A criminal justice agency may not maintain any copies of the individual's fingerprints or photographs related to that charge or invalidated conviction."

Section 2. Section 46-18-1101, MCA, is amended to read:

"46-18-1101. Expungement of misdemeanor records -- petition to district court -- criteria for expungement -- definitions. (1) (a) A person convicted of a misdemeanor offense or offenses who has completed the terms of the sentence for the misdemeanor offense or offenses may petition the district court for an order requiring the expungement of all records of the arrest, investigation, and detention, if any, and any court proceedings that may have been held in the case.

(b) The district court shall determine whether a victim ~~is entitled to notification~~ should be notified of the request for expungement ~~as provided in Article II, section 36, subsection(1)(q), of the Montana constitution~~. If a victim is identified by the district court, the prosecution office responsible for the conviction for which expungement is being requested must attempt to notify the victim. If the victim appears, the victim must be given an opportunity to respond.

(2) Unless the interests of public safety demand otherwise, the district court shall order the records expunged if:

(a) (i) the person has not been convicted of any other offense in this state, another state, or federal court

1 for a period of 5 years since the person completed the terms of the original sentence for the offense, including
2 payment of any financial obligations or successful completion of court-ordered treatment; or

3 (ii) the person has applied to a United States military academy, has applied to enlist in the armed forces
4 or national guard, or is currently serving in the armed forces or national guard and is prohibited from enlisting or
5 holding a certain position due to a prior conviction; and

6 (b) the person is not currently being detained for the commission of a new offense and has not been
7 charged with the commission of a new offense, or does not have charges pending for the commission of a new
8 offense, as verified by the prosecution office responsible for the conviction for which expungement is being
9 requested.

10 (3) Expungement may not be presumed if the person seeking expungement has one or more convictions
11 for assault under 45-5-201, partner or family member assault under 45-5-206, stalking under 45-5-220, sexual
12 assault under 45-5-502, a violation of a protective order under 45-5-626, or driving under the influence of alcohol
13 or drugs under Title 61, chapter 8, part 4. The prosecution office that prosecuted the offense for which
14 expungement is being requested must be notified of the request and be given an opportunity to respond and
15 argue against the expungement. In making the determination of whether expungement should be granted, the
16 district court must consider, in addition to any other factors, the age of the petitioner at the time the offense was
17 committed, the length of time between the offense and the request, the rehabilitation of the petitioner, and the
18 likelihood that the person will reoffend.

19 (4) If the order of expungement is granted, a copy of the order must be sent by the person whose records
20 are to be expunged to the arresting law enforcement agency, the prosecutor's office that prosecuted the offense,
21 the clerk of the court in which the person was sentenced, and the department of justice, along with a form
22 prepared by the department of justice that contains identifying information about the petitioner.

23 (5) For purposes of handling expunged records, the department of justice may adopt rules to implement
24 the provisions of this section.

25 (6) A person's records may be expunged pursuant to this section no more than one time during the
26 person's life. A person submitting a petition for expungement under this section must be fingerprinted for
27 purposes of validating the person's identity.

28 (7) The department of justice shall expunge any records under this section within existing department
29 resources.

30 (8) For purposes of this section, the following definitions apply:

(a) "Expunge" or "expungement" means to permanently destroy, delete, or erase a record of an offense from the criminal history record information system maintained by the department of justice in a manner that is appropriate for the record's physical or electronic form.

(b) (i) "Record" means any identifiable description, notation, or photograph of an arrest and detention; complaint, indictment, or information and disposition arising from a complaint, indictment, or information; sentence; correctional status; release; and court document or filing.

(ii) The term does not include a fingerprint record or data that may be maintained for investigative purposes."

- END -

HOUSE BILL NO. 47

INTRODUCED BY T. MOORE

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CRIMINAL RECORDS LAWS; REVISING WHEN AN INDIVIDUAL WHO IS CITED OR ARRESTED MUST BE PHOTOGRAPHED AND FINGERPRINTED; ELIMINATING A REQUIREMENT TO RETURN FINGERPRINT AND PHOTOGRAPH INFORMATION TO CERTAIN INDIVIDUALS; REVISING WHEN A VICTIM MUST BE NOTIFIED OF A REQUEST FOR EXPUNGEMENT OF MISDEMEANOR RECORDS; REVISING THE CRIMES FOR WHICH EXPUNGEMENT MAY NOT BE PRESUMED; AND AMENDING SECTIONS 44-5-202 AND 46-18-1101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 44-5-202, MCA, is amended to read:

"44-5-202. Photographs and fingerprints. (1) The following agencies may, if authorized by subsections (2) through (5), collect, process, and preserve photographs and fingerprints:

(a) any criminal justice agency performing, under law, the functions of a police department or a sheriff's office, or both;

(b) the department of corrections; and

(c) the department of justice.

(2) The department of corrections may photograph and fingerprint anyone under the jurisdiction of the division of corrections or its successor.

(3) A criminal justice agency described in subsection (1)(a) shall photograph and fingerprint a person who has been arrested or noticed or summoned to appear to answer an information or indictment if:

(a) the charge is the commission of a felony or a misdemeanor except as provided in subsection (5);

(b) the identification of an accused is in issue; or

(c) it is required to do so by court order.

(4) Whenever a person charged with the commission of a felony or a misdemeanor is not arrested, the person shall appear before the sheriff, chief of police, or other concerned law enforcement officer for fingerprinting at the time of initial appearance in court to answer the information or indictment against the person. The individual

1 being fingerprinted shall present the charging document, information, or citation at the time of fingerprinting, and
2 the charging document, information, or citation must be returned to the individual after the fingerprints are taken.

3 (5) An individual who is issued a notice to appear or who is arrested for a misdemeanor traffic,
4 regulatory, or fish and game offense ~~may not must~~ MAY NOT be photographed or fingerprinted ~~unless if~~ UNLESS
5 the individual is:

6 (A) incarcerated ~~or if the offense carries a penalty of incarceration; OR~~

7 (B) SENTENCED TO A TERM OF INCARCERATION, WHETHER OR NOT THE TERM OF INCARCERATION WAS
8 SUSPENDED BY THE SENTENCING JUDGE.

9 (6) Within 10 days, the originating agency shall send the state repository a copy of each fingerprint taken
10 on a completed form provided by the state repository.

11 (7) The state repository shall compare the fingerprints received with those already on file in the state
12 repository. If it is determined that the individual is wanted or is a fugitive from justice, the state repository shall
13 at once inform the originating agency. If it is determined that the individual has a criminal record, the state
14 repository shall send the originating agency a copy of the individual's complete criminal history record.

15 (8) If an individual is released without the filing of charges, if the charges did not result in a conviction,
16 or if a conviction is later invalidated, the court having jurisdiction in the criminal action shall report the disposition
17 to the state repository as required in 44-5-213(2) within 14 business days. Photographs and fingerprints taken
18 of the individual must be returned by the state repository to the originating agency, which shall ~~return~~ EXPUNGE
19 all copies ~~to the individual from whom they were taken.~~ A criminal justice agency may not maintain any copies
20 of the individual's fingerprints or photographs related to that charge or invalidated conviction."
21

22 **Section 2.** Section 46-18-1101, MCA, is amended to read:

23 **"46-18-1101. Expungement of misdemeanor records -- petition to district court -- criteria for**
24 **expungement -- definitions.** (1) (a) A person convicted of a misdemeanor offense or offenses who has
25 completed the terms of the sentence for the misdemeanor offense or offenses may petition the district court for
26 an order requiring the expungement of all records of the arrest, investigation, and detention, if any, and any court
27 proceedings that may have been held in the case.

28 (b) The district court shall determine whether a victim ~~is entitled to notification should be notified of the~~
29 ~~request for expungement as provided in Article II, section 36, subsection(1)(q), of the Montana constitution~~ OF
30 THE OFFENSE CAN BE IDENTIFIED. If a victim is identified by the district court, the prosecution office responsible for

1 the conviction for which expungement is being requested must attempt to notify the victim OF THE OFFENSE AND
2 DOCUMENT THE ATTEMPT. THE NOTIFICATION MUST INCLUDE THAT THE VICTIM HAS THE RIGHT TO RESPOND TO THE
3 EXPUNGEMENT REQUEST. If the victim appears, the victim must be given an opportunity to respond.

4 (2) Unless the interests of public safety demand otherwise, the district court shall order the records
5 expunged if:

6 (a) (i) the person has not been convicted of any other offense in this state, another state, or federal court
7 for a period of 5 years since the person completed the terms of the original sentence for the offense, including
8 payment of any financial obligations or successful completion of court-ordered treatment; or

9 (ii) the person has applied to a United States military academy, has applied to enlist in the armed forces
10 or national guard, or is currently serving in the armed forces or national guard and is prohibited from enlisting or
11 holding a certain position due to a prior conviction; and

12 (b) the person is not currently being detained for the commission of a new offense and has not been
13 charged with the commission of a new offense, or does not have charges pending for the commission of a new
14 offense, as verified by the prosecution office responsible for the conviction for which expungement is being
15 requested.

16 (3) Expungement may not be presumed if the person seeking expungement has one or more convictions
17 for assault under 45-5-201, partner or family member assault under 45-5-206, stalking under 45-5-220, sexual
18 assault under 45-5-502, a violation of a protective order under 45-5-626, or driving under the influence of alcohol
19 or drugs under Title 61, chapter 8, part 4. The prosecution office that prosecuted the offense for which
20 expungement is being requested must be notified of the request and be given an opportunity to respond and
21 argue against the expungement. In making the determination of whether expungement should be granted, the
22 district court must consider, in addition to any other factors, the age of the petitioner at the time the offense was
23 committed, the length of time between the offense and the request, the rehabilitation of the petitioner, and the
24 likelihood that the person will reoffend.

25 (4) If the order of expungement is granted, a copy of the order must be sent by the person whose records
26 are to be expunged to the arresting law enforcement agency, the prosecutor's office that prosecuted the offense,
27 the clerk of the court in which the person was sentenced, and the department of justice, along with a form
28 prepared by the department of justice that contains identifying information about the petitioner.

29 (5) For purposes of handling expunged records, the department of justice may adopt rules to implement
30 the provisions of this section.

(6) A person's records may be expunged pursuant to this section no more than one time during the person's life. A person submitting a petition for expungement under this section must be fingerprinted for purposes of validating the person's identity.

(7) The department of justice shall expunge any records under this section within existing department resources.

(8) For purposes of this section, the following definitions apply:

(a) "Expunge" or "expungement" means to permanently destroy, delete, or erase a record of an offense from the criminal history record information system maintained by the department of justice in a manner that is appropriate for the record's physical or electronic form.

(b) (i) "Record" means any identifiable description, notation, or photograph of an arrest and detention; complaint, indictment, or information and disposition arising from a complaint, indictment, or information; sentence; correctional status; release; and court document or filing.

(ii) The term does not include a fingerprint record or data that may be maintained for investigative purposes."

- END -



AN ACT GENERALLY REVISING CRIMINAL RECORDS LAWS; REVISING WHEN AN INDIVIDUAL WHO IS CITED OR ARRESTED MUST BE PHOTOGRAPHED AND FINGERPRINTED; ELIMINATING A REQUIREMENT TO RETURN FINGERPRINT AND PHOTOGRAPH INFORMATION TO CERTAIN INDIVIDUALS; REVISING WHEN A VICTIM MUST BE NOTIFIED OF A REQUEST FOR EXPUNGEMENT OF MISDEMEANOR RECORDS; REVISING THE CRIMES FOR WHICH EXPUNGEMENT MAY NOT BE PRESUMED; AND AMENDING SECTIONS 44-5-202 AND 46-18-1101, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 44-5-202, MCA, is amended to read:

"44-5-202. Photographs and fingerprints. (1) The following agencies may, if authorized by subsections (2) through (5), collect, process, and preserve photographs and fingerprints:

(a) any criminal justice agency performing, under law, the functions of a police department or a sheriff's office, or both;

(b) the department of corrections; and

(c) the department of justice.

(2) The department of corrections may photograph and fingerprint anyone under the jurisdiction of the division of corrections or its successor.

(3) A criminal justice agency described in subsection (1)(a) shall photograph and fingerprint a person who has been arrested or noticed or summoned to appear to answer an information or indictment if:

(a) the charge is the commission of a felony or a misdemeanor except as provided in subsection (5);

(b) the identification of an accused is in issue; or

(c) it is required to do so by court order.

(4) Whenever a person charged with the commission of a felony or a misdemeanor is not arrested, the person shall appear before the sheriff, chief of police, or other concerned law enforcement officer for fingerprinting at the time of initial appearance in court to answer the information or indictment against the person. The individual

being fingerprinted shall present the charging document, information, or citation at the time of fingerprinting, and the charging document, information, or citation must be returned to the individual after the fingerprints are taken.

(5) An individual who is issued a notice to appear or who is arrested for a misdemeanor traffic, regulatory, or fish and game offense ~~may not~~ may not be photographed or fingerprinted ~~unless~~ unless the individual is:

(a) incarcerated; or

(b) sentenced to a term of incarceration, whether or not the term of incarceration was suspended by the sentencing judge.

(6) Within 10 days, the originating agency shall send the state repository a copy of each fingerprint taken on a completed form provided by the state repository.

(7) The state repository shall compare the fingerprints received with those already on file in the state repository. If it is determined that the individual is wanted or is a fugitive from justice, the state repository shall at once inform the originating agency. If it is determined that the individual has a criminal record, the state repository shall send the originating agency a copy of the individual's complete criminal history record.

(8) If an individual is released without the filing of charges, if the charges did not result in a conviction, or if a conviction is later invalidated, the court having jurisdiction in the criminal action shall report the disposition to the state repository as required in 44-5-213(2) within 14 business days. Photographs and fingerprints taken of the individual must be returned by the state repository to the originating agency, which shall ~~return~~ expunge all copies ~~to the individual from whom they were taken~~. A criminal justice agency may not maintain any copies of the individual's fingerprints or photographs related to that charge or invalidated conviction."

Section 2. Section 46-18-1101, MCA, is amended to read:

"46-18-1101. Expungement of misdemeanor records -- petition to district court -- criteria for expungement -- definitions. (1) (a) A person convicted of a misdemeanor offense or offenses who has completed the terms of the sentence for the misdemeanor offense or offenses may petition the district court for an order requiring the expungement of all records of the arrest, investigation, and detention, if any, and any court proceedings that may have been held in the case.

(b) The district court shall determine whether a victim ~~is entitled to notification of the request for expungement as provided in Article II, section 36, subsection(1)(q), of the Montana constitution~~ of the offense

can be identified. If a victim is identified by the district court, the prosecution office responsible for the conviction for which expungement is being requested must attempt to notify the victim of the offense and document the attempt. The notification must include that the victim has the right to respond to the expungement request. If the victim appears, the victim must be given an opportunity to respond.

(2) Unless the interests of public safety demand otherwise, the district court shall order the records expunged if:

(a) (i) the person has not been convicted of any other offense in this state, another state, or federal court for a period of 5 years since the person completed the terms of the original sentence for the offense, including payment of any financial obligations or successful completion of court-ordered treatment; or

(ii) the person has applied to a United States military academy, has applied to enlist in the armed forces or national guard, or is currently serving in the armed forces or national guard and is prohibited from enlisting or holding a certain position due to a prior conviction; and

(b) the person is not currently being detained for the commission of a new offense and has not been charged with the commission of a new offense, or does not have charges pending for the commission of a new offense, as verified by the prosecution office responsible for the conviction for which expungement is being requested.

(3) Expungement may not be presumed if the person seeking expungement has one or more convictions for assault under 45-5-201, partner or family member assault under 45-5-206, stalking under 45-5-220, sexual assault under 45-5-502, a violation of a protective order under 45-5-626, or driving under the influence of alcohol or drugs under Title 61, chapter 8, part 4. The prosecution office that prosecuted the offense for which expungement is being requested must be notified of the request and be given an opportunity to respond and argue against the expungement. In making the determination of whether expungement should be granted, the district court must consider, in addition to any other factors, the age of the petitioner at the time the offense was committed, the length of time between the offense and the request, the rehabilitation of the petitioner, and the likelihood that the person will reoffend.

(4) If the order of expungement is granted, a copy of the order must be sent by the person whose records are to be expunged to the arresting law enforcement agency, the prosecutor's office that prosecuted the offense, the clerk of the court in which the person was sentenced, and the department of justice, along with a form prepared by the department of justice that contains identifying information about the petitioner.

(5) For purposes of handling expunged records, the department of justice may adopt rules to implement the provisions of this section.

(6) A person's records may be expunged pursuant to this section no more than one time during the person's life. A person submitting a petition for expungement under this section must be fingerprinted for purposes of validating the person's identity.

(7) The department of justice shall expunge any records under this section within existing department resources.

(8) For purposes of this section, the following definitions apply:

(a) "Expunge" or "expungement" means to permanently destroy, delete, or erase a record of an offense from the criminal history record information system maintained by the department of justice in a manner that is appropriate for the record's physical or electronic form.

(b) (i) "Record" means any identifiable description, notation, or photograph of an arrest and detention; complaint, indictment, or information and disposition arising from a complaint, indictment, or information; sentence; correctional status; release; and court document or filing.

(ii) The term does not include a fingerprint record or data that may be maintained for investigative purposes."

- END -

I hereby certify that the within bill,
HB 0047, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2019.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 47
INTRODUCED BY T. MOORE
BY REQUEST OF THE DEPARTMENT OF JUSTICE

AN ACT GENERALLY REVISING CRIMINAL RECORDS LAWS; REVISING WHEN AN INDIVIDUAL WHO IS CITED OR ARRESTED MUST BE PHOTOGRAPHED AND FINGERPRINTED; ELIMINATING A REQUIREMENT TO RETURN FINGERPRINT AND PHOTOGRAPH INFORMATION TO CERTAIN INDIVIDUALS; REVISING WHEN A VICTIM MUST BE NOTIFIED OF A REQUEST FOR EXPUNGEMENT OF MISDEMEANOR RECORDS; REVISING THE CRIMES FOR WHICH EXPUNGEMENT MAY NOT BE PRESUMED; AND AMENDING SECTIONS 44-5-202 AND 46-18-1101, MCA.



AN ACT GENERALLY REVISING CRIMINAL RECORDS LAWS; REVISING WHEN AN INDIVIDUAL WHO IS CITED OR ARRESTED MUST BE PHOTOGRAPHED AND FINGERPRINTED; ELIMINATING A REQUIREMENT TO RETURN FINGERPRINT AND PHOTOGRAPH INFORMATION TO CERTAIN INDIVIDUALS; REVISING WHEN A VICTIM MUST BE NOTIFIED OF A REQUEST FOR EXPUNGEMENT OF MISDEMEANOR RECORDS; REVISING THE CRIMES FOR WHICH EXPUNGEMENT MAY NOT BE PRESUMED; AND AMENDING SECTIONS 44-5-202 AND 46-18-1101, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 44-5-202, MCA, is amended to read:

"44-5-202. Photographs and fingerprints. (1) The following agencies may, if authorized by subsections (2) through (5), collect, process, and preserve photographs and fingerprints:

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(b) the department of corrections; and

(c) the department of justice.

(2) The department of corrections may photograph and fingerprint anyone under the jurisdiction of the division of corrections or its successor.

(3) A criminal justice agency described in subsection (1)(a) shall photograph and fingerprint a person who has been arrested or noticed or summoned to appear to answer an information or indictment if:

(a) the charge is the commission of a felony or a misdemeanor except as provided in subsection (5);

(b) the identification of an accused is in issue; or

(c) it is required to do so by court order.

(4) Whenever a person charged with the commission of a felony or a misdemeanor is not arrested, the person shall appear before the sheriff, chief of police, or other concerned law enforcement officer for fingerprinting at the time of initial appearance in court to answer the information or indictment against the person. The individual

being fingerprinted shall present the charging document, information, or citation at the time of fingerprinting, and the charging document, information, or citation must be returned to the individual after the fingerprints are taken.

(5) An individual who is issued a notice to appear or who is arrested for a misdemeanor traffic, regulatory, or fish and game offense ~~may not~~ may not be photographed or fingerprinted ~~unless~~ unless the individual is:

(a) incarcerated; or

(b) sentenced to a term of incarceration, whether or not the term of incarceration was suspended by the sentencing judge.

(6) Within 10 days, the originating agency shall send the state repository a copy of each fingerprint taken on a completed form provided by the state repository.

(7) The state repository shall compare the fingerprints received with those already on file in the state repository. If it is determined that the individual is wanted or is a fugitive from justice, the state repository shall at once inform the originating agency. If it is determined that the individual has a criminal record, the state repository shall send the originating agency a copy of the individual's complete criminal history record.

(8) If an individual is released without the filing of charges, if the charges did not result in a conviction, or if a conviction is later invalidated, the court having jurisdiction in the criminal action shall report the disposition to the state repository as required in 44-5-213(2) within 14 business days. Photographs and fingerprints taken of the individual must be returned by the state repository to the originating agency, which shall ~~return~~ expunge all copies ~~to the individual from whom they were taken~~. A criminal justice agency may not maintain any copies of the individual's fingerprints or photographs related to that charge or invalidated conviction."

Section 2. Section 46-18-1101, MCA, is amended to read:

"46-18-1101. Expungement of misdemeanor records -- petition to district court -- criteria for expungement -- definitions. (1) (a) A person convicted of a misdemeanor offense or offenses who has completed the terms of the sentence for the misdemeanor offense or offenses may petition the district court for an order requiring the expungement of all records of the arrest, investigation, and detention, if any, and any court proceedings that may have been held in the case.

(b) The district court shall determine whether a victim ~~is entitled to notification of the request for expungement as provided in Article II, section 36, subsection(1)(q), of the Montana constitution~~ of the offense

can be identified. If a victim is identified by the district court, the prosecution office responsible for the conviction for which expungement is being requested must attempt to notify the victim of the offense and document the attempt. The notification must include that the victim has the right to respond to the expungement request. If the victim appears, the victim must be given an opportunity to respond.

(2) Unless the interests of public safety demand otherwise, the district court shall order the records expunged if:

(a) (i) the person has not been convicted of any other offense in this state, another state, or federal court for a period of 5 years since the person completed the terms of the original sentence for the offense, including payment of any financial obligations or successful completion of court-ordered treatment; or

(ii) the person has applied to a United States military academy, has applied to enlist in the armed forces or national guard, or is currently serving in the armed forces or national guard and is prohibited from enlisting or holding a certain position due to a prior conviction; and

(b) the person is not currently being detained for the commission of a new offense and has not been charged with the commission of a new offense, or does not have charges pending for the commission of a new offense, as verified by the prosecution office responsible for the conviction for which expungement is being requested.

(3) Expungement may not be presumed if the person seeking expungement has one or more convictions for assault under 45-5-201, partner or family member assault under 45-5-206, stalking under 45-5-220, sexual assault under 45-5-502, a violation of a protective order under 45-5-626, or driving under the influence of alcohol or drugs under Title 61, chapter 8, part 4. The prosecution office that prosecuted the offense for which expungement is being requested must be notified of the request and be given an opportunity to respond and argue against the expungement. In making the determination of whether expungement should be granted, the district court must consider, in addition to any other factors, the age of the petitioner at the time the offense was committed, the length of time between the offense and the request, the rehabilitation of the petitioner, and the likelihood that the person will reoffend.

(4) If the order of expungement is granted, a copy of the order must be sent by the person whose records are to be expunged to the arresting law enforcement agency, the prosecutor's office that prosecuted the offense, the clerk of the court in which the person was sentenced, and the department of justice, along with a form prepared by the department of justice that contains identifying information about the petitioner.

(5) For purposes of handling expunged records, the department of justice may adopt rules to implement the provisions of this section.

(6) A person's records may be expunged pursuant to this section no more than one time during the person's life. A person submitting a petition for expungement under this section must be fingerprinted for purposes of validating the person's identity.

(7) The department of justice shall expunge any records under this section within existing department resources.

(8) For purposes of this section, the following definitions apply:

(a) "Expunge" or "expungement" means to permanently destroy, delete, or erase a record of an offense from the criminal history record information system maintained by the department of justice in a manner that is appropriate for the record's physical or electronic form.

(b) (i) "Record" means any identifiable description, notation, or photograph of an arrest and detention; complaint, indictment, or information and disposition arising from a complaint, indictment, or information; sentence; correctional status; release; and court document or filing.

(ii) The term does not include a fingerprint record or data that may be maintained for investigative purposes."

- END -

I hereby certify that the within bill,
HB 0047, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2019.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 47
INTRODUCED BY T. MOORE
BY REQUEST OF THE DEPARTMENT OF JUSTICE

AN ACT GENERALLY REVISING CRIMINAL RECORDS LAWS; REVISING WHEN AN INDIVIDUAL WHO IS CITED OR ARRESTED MUST BE PHOTOGRAPHED AND FINGERPRINTED; ELIMINATING A REQUIREMENT TO RETURN FINGERPRINT AND PHOTOGRAPH INFORMATION TO CERTAIN INDIVIDUALS; REVISING WHEN A VICTIM MUST BE NOTIFIED OF A REQUEST FOR EXPUNGEMENT OF MISDEMEANOR RECORDS; REVISING THE CRIMES FOR WHICH EXPUNGEMENT MAY NOT BE PRESUMED; AND AMENDING SECTIONS 44-5-202 AND 46-18-1101, MCA.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on January 14, 2019 at 9:00 A.M., in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Kathy Kelker, Vice Chair (D)
Rep. Barry Usher, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Barbara Bessette (D)
Rep. Bob Brown (R)
Rep. Greg DeVries (R)
Rep. David Dunn (R)
Rep. Robert Farris-Olsen (D)
Rep. Connie Keogh (D)
Rep. Casey Knudsen (R)
Rep. Jasmine Krotkov (D)
Rep. Dennis R. Lenz (R)
Rep. Theresa Manzella (R)
Rep. Terry Moore (R)
Rep. Shane A. Morigeau (D)
Rep. Zac Perry (D)
Rep. Derek Skees (R)

Members Excused:

Rep. Laurie Bishop (D)

Members Absent: None

Staff Present: Abigail Konen, Committee Clerk
Rachel Weiss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 20, 1/11/2019; HB 46, 1/11/2019; HB 47, 1/11/2019

09:00:51 Chair Doane

[EXHIBIT\(juh06a01\)](#)

[EXHIBIT\(juh06a02\)](#)

09:00:55 Rep. Bishop joined the meeting

HEARING ON HB 20

Opening Statement by Sponsor:

09:01:41 Rep. Rae Peppers (D), HD 41, opened the hearing on HB 20, Revising laws related to the report of missing children.

Proponents' Testimony:

09:04:33 Bryan Lockerby, Montana Department of Justice, Division of Criminal Investigation, (DOJ)

09:06:21 Jennifer Viets, Montana Department of Justice, Division of Criminal Investigation, Criminal Justice Information Network, Missing Persons Clearinghouse (DOJ)

09:08:20 Rep. B. Smith

09:08:51 Rep. Stewart Peregoy

09:10:52 Siri Smillie, Governor's Office

09:11:21 Brandi King, Fort Belknap Indian Community Council

09:14:00 Ekoo Beck, Self

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

09:14:59 Vice Chair Usher

09:15:47 Bryan Lockerby, DOJ

Closing by Sponsor:

09:17:08 Rep. Peppers

HEARING ON HB 46

Opening Statement by Sponsor:

09:18:13 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 46, Eliminate or revise MCA references to Article II, Section 36, of MT Constitution.

[EXHIBIT\(juh06a03\)](#)

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

09:21:46 Vice Chair Kelker
09:22:15 Rep. Sheldon-Galloway
09:22:57 Vice Chair Kelker
09:23:09 Rep. Sheldon-Galloway

Closing by Sponsor:

09:23:20 Rep. Sheldon-Galloway

[EXHIBIT\(juh06a04\)](#)

[EXHIBIT\(juh06a05\)](#)

[EXHIBIT\(juh06a06\)](#)

HEARING ON HB 47**Opening Statement by Sponsor:**

09:29:20 Rep. Terry Moore (R), HD 54, opened the hearing on HB 47, Generally revise criminal records laws.

[EXHIBIT\(juh06a07\)](#)

Proponents' Testimony:

09:33:10 Jon Bennion, Montana Department of Justice (DOJ)
09:40:25 Brad Griffin, Montana Retail Association

[EXHIBIT\(juh06a08\)](#)

Opponents' Testimony:

None

Informational Testimony:

09:47:02 Jason Bright, Montana Department of Justice, Division of Criminal Investigation, Criminal Records and Identification Services Section (DOJ)
09:47:35 Greg Mohr, Montana Magistrates Association

Questions from Committee Members and Responses:

09:47:53 Rep. Manzella
09:48:43 Jon Bennion, DOJ
09:48:51 Vice Chair Kelker
09:49:20 Jason Bright, DOJ
09:50:13 Vice Chair Kelker
09:50:27 Jason Bright, DOJ
09:51:06 Rep. C. Knudsen
09:51:35 Greg Mohr, Montana Magistrates Association
09:52:16 Rep. C. Knudsen
09:52:41 Greg Mohr, Montana Magistrates Association
09:52:50 Rep. C. Knudsen
09:53:00 Jon Bennion, DOJ
09:53:59 Rep. Farris-Olsen
09:54:31 Jon Bennion, DOJ

Closing by Sponsor:

09:54:47 Rep. T. Moore

09:55:25 Chair Doane

09:55:37 Rep. Keogh

09:55:54 Rachel Weiss, Legislative Services Division (LSD)

ADJOURNMENT

Adjournment: 09:56:19

Abigail Konen, Clerk

ak

Additional Documents:

EXHIBIT([juh06aad.pdf](#))

Amendments to House Bill No. 47
1st Reading Copy

Requested by Representative Terry Moore

For the House Judiciary Committee

Prepared by Rachel Weiss
January 13, 2019 (9:13am)

1. Title, page 1, line 6.

Following: "FINGERPRINTED;"

Insert: "ELIMINATING A REQUIREMENT TO RETURN FINGERPRINT AND
PHOTOGRAPH INFORMATION TO CERTAIN INDIVIDUALS;"

2. Title, page 1, line 8.

Following: "RECORDS;"

Insert: "REVISING THE CRIMES FOR WHICH EXPUNGEMENT MAY NOT BE
PRESUMED;"

3. Page 2, line 2.

Strike: "must"

Insert: "may not"

Strike: "if"

Insert: "unless"

Following: "individual is"

Insert: ":"

4. Page 2.

Following: line 2

Insert: "(a)"

5. Page 2, line 3.

Following: "incarcerated"

Strike: "or if" through "incarceration"

Insert: "; or

(b) sentenced to a term of incarceration, whether or not the term
of incarceration was suspended by the sentencing judge"

6. Page 2, line 13.

Following: "which shall"

Strike: "return"

Insert: "expunge"

7. Page 2, line 14.

Strike: "to the individual from whom they were taken"

- END -

Explanation - The amendment:

1. Corrects a technical error from the drafting process.

2. revises the draft language in 44-5-202(5) so it should read:

(5) An individual who is issued a notice to appear or who is arrested for a misdemeanor traffic, regulatory, or fish and game offense may not be photographed or fingerprinted unless the individual is:

(a) incarcerated; or

(b) sentenced to a term of incarceration, whether or not the term of incarceration was suspended by the sentencing judge.

3. Removes a requirement that photographs and fingerprints be returned to certain individuals and requires the originating agency to expunge those copies.



1645 Parkhill Dr, Suite 6
Billings, MT 59102-3067
406-256-1005
1-800-388-0236
Fax 406-256-0785



The mission of Montana Organized Retail Crime Alliance (MT ORCA) is to provide a secure communication channel for our Private Sector Loss Prevention personnel and Law Enforcement to identify, apprehend and prosecute professional thieves.

The Montana Retail Association (MRA) formed MT ORCA in an effort to combat the rising problem of retail theft. MT ORCA started in Billings with a strong partnership between law enforcement and loss control professionals from Montana Retail Association members.

In addition to MRA member loss prevention representatives, MT ORCA enlists the support of the County Attorney's office, the Police Department, City Attorney's office and the County Sheriff's Department within the ORCA organized communities.

Since forming in Billings, MT ORCA has established ORCA groups in Bozeman and Missoula and has plans to eventually grow into four additional major markets. The expectation is that MT ORCA groups will cover the entire state of Montana.

MT ORCA meets bi-monthly to share information. The organization uses a secure web site to help build prosecutable cases against thieves. If you are experiencing unacceptable losses and would like to join MT ORCA, contact Valerie McClintock at Valerie.McClintock@mtretail.com to learn how you can become involved.

The **MT ORCA Website** (mtorca.org) is available to Montana Retail Association Members and law enforcement. This secure website is a great tool for retailers and law enforcement to use together to identify suspects and to share information in order to prosecute shoplifters. The website has recently been updated to more easily see/access the comments section. The capability to link cases was discussed, this is not an option as this is something that has been done in the past for different ORCA organizations, but it did not work. However, if you would like to see all of the related incidents together, the option to search a key word does exist and this would bring up all of the related incidents for you.

- The ORCA Website is a great tool to help identify suspects and gets the information out to loss prevention faster.
 - The information is secure.
 - **NEVER** post information from the ORCA site to social media.
 - Retailers need to be active on posting images and information on the ORCA site. This brings attention to our repeat offenders
 - Must be a member of the Montana Retail Association to have access to the ORCA site.
- MT ORCA Mobile App is now available. The website developer can add features as needed – send feedback to Valerie at Valerie.mcclintock@mtretail.com
- Law enforcement viewable section only option (this would allow sensitive information to only be seen by law enforcement) If you would like to see this implemented, please let us know.
- Feedback Form is available on the site for you to submit feedback. We want to make it user friendly.
- Website info is confidential. Be cautious of who has access to the website. **ONLY** certified AP can have access.
- Information that is posted on the website may be used in court, so make sure you write your documentation so that it is ready to be used as is with no assumptions or bias.

Retailers, here are a few key takeaways to help our Law Enforcement Partners:

- When creating a report, document **EVERYTHING**. If you were unable to get a still shot or video of the act of concealment, document the reason why and what AP was doing. AP's testimony coupled with video of AP tracking is enough to make a case.
 - Burn surveillance immediately so there are no missing pieces.
 - Document the names of employees/witnesses along with their contact information.
 - Document serial #'s if you have them. This helps when requesting restitution.
- Keep track of who you make the initial report to. Get the Officer's badge number and card.
- Misdemeanors are serious offenses. Can file multiple misdemeanors together when its within one year of first offense.

- Be persistent when following up on cases. (Be the squeaky wheel.) Email is the best way to follow-up. (This also includes when following up with law enforcement - can even email cases to officers now, too.)
- When cases involve juveniles, make sure that the law enforcement officers are aware that the case involves juveniles. Juvenile cases are handled differently by two specially trained prosecutors.
- Retailers need to be active on posting images and information on the ORCA site. This brings attention to our repeat offenders.
- Ask questions after apprehending shoplifters to gain information that can potentially lead to taking down the big guys. Examples: How much do they get for their items? Where do they sell them?
- Missoula Wal Mart has seen a significant drop in shortage from 2.1 million to under half a million by checking receipts at the front door with the use of door greeters.
- Many stolen items that end up at pawn shops need to be able to be traced back to the retailer. Law enforcement needs to be able to prove that was the particular item(s) that was stolen and then pawned. Serial #'s **or** video of person taking that item out of the store is essential. ID is required to be shown to pawn an item. If it is proven that that is the stolen item, the pawn shop loses the money.

Document all criminal activity so law enforcement can aggregate charges.

- **Criminal Mischief** is a jailable offense. This includes damaging product, for example removing the wrapper. Call as soon as you have visual of criminal mischief. You do not need to wait for the offender to walk past the point of sale.
- Document everything. This includes the use of burglary tools (bull cutters, exacto blades, etc.). A person commits the offense of possession of burglary tools when the person knowingly possesses any key, tool, instrument, or device suitable for breaking into any safe storage of property with the purpose to steal.
 - Document exactly what you saw
 - Details to document
 - Items Stolen or attempted
 - Amount of item(s) stolen or attempted
 - Were tools used like a box cutter?
 - Did you get license plate number?
 - Document value of merchandise attempted to be stolen, document the name of the person that rang up the attempted theft amount.
 - Eye witness statements
- **Unidentified Offenders** - Retailers, post your top 3 most unidentified offenders to the ORCA site and flag accordingly. Bobbi Johnson, our new Billings Police Department Crime Analyst, will work on identifying these offenders.

Criminal Trespass

The Police Department and the County Attorney's office said that they can arrest someone for trespass whereas most shop lifting the perpetrator is given a notice to appear....so the retailer should be trespassing individuals when they are caught. Trespass subjects in addition to having citations issued.

- Criminal Trespass is a jailable offense.
 - Law enforcement needs proof that the suspect has knowledge that they were trespassed. A form stating that the individual was trespassed with **legible signatures**. Law enforcement must be able to identify the name of the witness.
- When trespassing, be sure to document who, when, how the person has been trespassed. It needs to be clear that the person knows they were trespassed.
- Be specific with the trespass – Example: “On this date, at this time, I _____ am serving _____ with a trespass notice.”
 - The police department does not need to be present in order to trespass. The subject needs to understand that they were trespassed, and you need to be able to prove that they were trespassed.
 - The trespass document needs to be specific, formal, something that could be used in a court of law. Audio recordings of the trespass could also be used.
 - Be cautious about trespassing individuals - Only trespass individuals based on incidents at your store.
- Reports and Trespass Documents need to be very specific with good statements of who saw what. Good accurate reporting is very beneficial when prosecuting. Witness statements need to have good contact information so that months down the road, the witness can be reached if needed.
- Be on the lookout for “movie money”— these are fake bills that look like real bills but actually say “movie money”.
- Call Law Enforcement about suspicious people. Be proactive when dealing with suspicious people.

Legislation: Discussion around changing current legislation for shoplifting.

We will work with our law enforcement partners to develop appropriate legislation to bring to the 2019 Legislature. Brad Griffin has discussed the WA statutes regarding special circumstances for push outs through fire escapes and using tools to defeat anti-theft devices. Brad is working on the issue but there are real obstacles; namely that the Governor's office wants more time to let the law work, despite evidence from the field that it is NOT working. He is working with key legislators on making people accountable and repealing the part of HB133, which eliminated the booking requirement for first time offenses.

Here is the link to the WA Statute <http://app.leg.wa.gov/RCW/default.aspx?cite=9a.56.360>

Retailers, please send Brad at Brad.Griffin@mtretail.com your history of the number of pushouts you have experienced the last year or two.

What are retailers getting hit hard with: Cosmetics, clothing, food, shoes, active wear, open sell jewelry, camping items, rash of chain saw thefts.

Where to look for these stolen items: Craigslist, Letgo, and Yardsale Facebook Groups

****Bring names and pictures of suspects to all ORCA meetings.**

***Billings ORCA Only** Send Billings City Attorney, Teague Westrope (westropetj@ci.billings.mt.us) an email if you have problems with habitual offenders in Billings, even if you do not have a case on them. This information can be useful in court.

- If you are unable to get a good face shot but you have a strong case, put in your report that you have a history with this person.

66th LEGISLATURE

2019 SESSION

Additional Documents

Business Page

Proxies

Roll Call

Witness Statements

Standing Committee
Reports

Informational items
Visitor Registrations

Table Bills

Any Document or
material presented
after the meeting for
example@ petitions,
news clippings ectara.

Fiscal reports

Tabled Bills

Roll Call Votes

BUSINESS REPORT
MONTANA HOUSE OF REPRESENTATIVES
66th LEGISLATURE - REGULAR SESSION
HOUSE JUDICIARY COMMITTEE

Date: Monday, January 14, 2019
Place: Capitol

Time: 9:00 A.M.
Room: 137

BILLS and RESOLUTIONS HEARD:

HB 20 - Revising laws related to the report of missing children - Rep. Rae Peppers
HB 46 - Eliminate or revise MCA references to Article II, section 36, of MT Constitution - Rep.
Lola Galloway
HB 47 - Generally revise criminal records laws - Rep. Terry Moore

EXECUTIVE ACTION TAKEN:

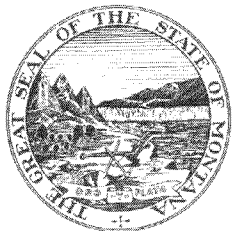
None

Comments:

None



REP. Alan Doane, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

DATE: 1.14.19

NAME	PRESENT	ABSENT/EXCUSED
REP. USHER, VICE CHAIR	✓	
REP. BERGLEE	✓	
REP. KELKER, VICE CHAIR	✓	
REP. BOB BROWN	✓	
REP. TERRY MOORE	✓	
REP. BISHOP		✓
REP. KROTKOV	✓	
REP. BESSETTE	✓	
REP. FARRIS-OLSEN	✓	
REP. LENZ	✓	
REP. SKEES	✓	
REP. PERRY	✓	
REP. MANZELLA	✓	
REP. DEVRIES	✓	
REP. DUNN	✓	
REP. MORIGEAU	✓	
REP. KEOGH	✓	
REP. CASEY KNUDSEN	✓	
REP. DOANE, CHAIR	✓	

19 MEMBERS

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Monday, January 14, 2019

HB 20 - Revising laws related to the report of missing children

Sponsor: Rep. Rae Peppers

Testimony length will be at the discretion of the Chair.

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Monday, January 14, 2019

HB 46 - Eliminate or revise MCA references to Article II, section 36, of MT Constitution

Sponsor: Rep. Lola Galloway

TESTIMONY LENGTH WILL BE AT THE DISCRETION OF THE CHAIR.

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Monday, January 14, 2019

HB 47 - Generally revise criminal records laws

Sponsor: Rep. Terry Moore

Testimony length will be at the discretion of the Chair.

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on January 24, 2019 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Kathy Kelker, Vice Chair (D)
Rep. Barbara Bessette (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Greg DeVries (R)
Rep. David Dunn (R)
Rep. Robert Farris-Olsen (D)
Rep. Connie Keogh (D)
Rep. Casey Knudsen (R)
Rep. Jasmine Krotkov (D)
Rep. Dennis R. Lenz (R)
Rep. Theresa Manzella (R)
Rep. Terry Moore (R)
Rep. Shane A. Morigeau (D)
Rep. Zac Perry (D)
Rep. Derek Skees (R)

Members Excused:

Rep. Seth Berglee (R)
Rep. Barry Usher, Vice Chair (R)

Members Absent: None

Staff Present: Abigail Konen, Committee Clerk
Rachel Weiss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 244, 1/18/2019; HB 245, 1/18/2019; HB 246, 1/18/2019
Executive Action: HB 36, HB 47, HB 97, HB 110, HB 145, HB 155, HJ 5

08:01:58 Chair Doane
08:02:31 Rep. Gunderson

HEARING ON HB 245

Opening Statement by Sponsor:

08:02:49 Rep. Steve Gunderson (R), HD 1, opened the hearing on HB 245, Constitutional amendment to revise initiative signature requirements.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:06:03 Rep. Dunn
08:06:19 Rep. Gunderson
08:07:18 Vice Chair Kelker
08:07:44 Rep. Gunderson
08:08:08 Chair Doane
08:10:43 Rep. Gunderson

Closing by Sponsor:

08:11:23 Rep. Gunderson

HEARING ON HB 244

Opening Statement by Sponsor:

08:13:26 Rep. Steve Gunderson (R), HD 1, opened the hearing on HB 244, Constitutional amendment to change const. amendment signature requirements.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:15:01 Rep. Skees
08:15:23 Rep. Gunderson
08:16:34 Rep. Manzella
08:17:15 Rep. Gunderson
08:18:28 Rep. Manzella

08:18:56 Rep. Gunderson
08:20:14 Rep. Lenz
08:20:45 Rep. Gunderson

Closing by Sponsor:

08:21:39 Rep. Gunderson

HEARING ON HB 246**Opening Statement by Sponsor:**

08:22:44 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 246, Revise laws for out-of-state subpoenas.

Proponents' Testimony:

None

Opponents' Testimony:

08:26:02 Bruce Spencer, State Bar of Montana

Informational Testimony:

None

Questions from Committee Members and Responses:

08:31:06 Rep. Morigeau
08:31:45 Bruce Spencer, State Bar of Montana
08:32:37 Rep. Farris-Olsen
08:32:58 Bruce Spencer, State Bar of Montana
08:34:32 Rep. Farris-Olsen
08:34:46 Bruce Spencer, State Bar of Montana
08:34:58 Rep. C. Knudsen
08:35:29 Bruce Spencer, State Bar of Montana

Closing by Sponsor:

08:36:30 Rep. Sheldon-Galloway

08:38:33 Chair Doane

08:38:42 Recessed
08:39:35 Reconvened

08:39:36 Chair Doane
08:40:31 Rachel Weiss, Legislative Services Division (LSD)
08:40:44 Chair Doane
08:41:33 Rep. C. Knudsen
08:41:42 Rachel Weiss, LSD
08:41:49 Chair Doane

08:42:19 Recessed
09:32:30 Reconvened

09:32:35 Chair Doane

09:33:24 **Motion/Vote:** Vice Chair Kelker moved that **SECTION 2 SUBSET D OF THE RULES OF PROCEDURE BE AMENDED TO INCLUDE THE WORDS "OR SURROGATE DESIGNATED BY EITHER VICE CHAIR"**. Motion carried 17-0 by voice vote. Rep. Berglee and Vice Chair Usher were excused.

09:34:06 Vice Chair Kelker

09:34:17 Chair Doane

09:34:25 Rep. Skees

09:34:40 Chair Doane

EXECUTIVE ACTION ON HB 36

09:35:43 **Motion:** Vice Chair Kelker moved that **HB 36 DO PASS**.

Discussion:

09:36:04 Rachel Weiss, LSD

09:37:21 **Motion:** Vice Chair Kelker moved that **HB 36 BE AMENDED**.
[EXHIBIT\(juh14a01\)](#)

Discussion:

09:37:33 Rachel Weiss, LSD

09:38:15 Rep. Skees

09:38:45 Rep. Farris-Olsen

09:39:18 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

09:39:50 **Motion:** Vice Chair Kelker moved that **HB 36 DO PASS AS AMENDED**.

Discussion:

09:40:02 Rep. Manzella

09:40:25 Rep. Farris-Olsen

09:40:59 Rep. Morigeau

09:41:19 **Substitute Motion/Vote:** Rep. Skees made a substitute motion that **HB 36 BE TABLED**. Substitute Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

EXECUTIVE ACTION ON HB 47

09:42:06 **Motion:** Vice Chair Kelker moved that **HB 47 DO PASS**.

Discussion:

09:42:11 Chair Doane

09:42:21 Rachel Weiss, LSD

09:42:30 Chair Doane

09:42:51 **Motion:** Rep. T. Moore moved that **HB 47 BE AMENDED.**

Discussion:

09:43:13 Rachel Weiss, LSD

09:46:47 Chair Doane

09:47:19 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

09:47:46 Rachel Weiss, LSD

09:47:55 **Motion:** Vice Chair Kelker moved that **HB 47 DO PASS AS AMENDED.**

09:48:31 **Motion:** Rep. Manzella moved that **HB 47 BE AMENDED.**

[**EXHIBIT\(juh14a02\)**](#)

Discussion:

09:48:45 Rachel Weiss, LSD

09:49:58 Rep. Manzella

09:50:23 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

09:50:44 **Motion/Vote:** Vice Chair Kelker moved that **HB 47 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

EXECUTIVE ACTION ON HB 97

09:51:47 **Motion:** Vice Chair Kelker moved that **HB 97 DO PASS.**

Discussion:

09:51:53 Chair Doane

09:52:18 **Vote:** Motion failed 8-11 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting aye. Rep. Berglee and Vice Chair Usher voted by proxy.

09:53:29 **Motion/Vote:** Rep. Skees moved that **HB 97 BE TABLED.** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

EXECUTIVE ACTION ON HB 110

09:54:38 **Motion:** Vice Chair Kelker moved that **HB 110 DO PASS.**

Discussion:

09:54:44 Chair Doane

09:54:58 **Motion:** Rep. B. Brown moved that **HB 110 BE AMENDED.**

[**EXHIBIT\(juh14a03\)**](#)

Discussion:

09:55:16 Rachel Weiss, LSD

09:55:43 Rep. B. Brown

09:56:10 Rep. Farris-Olsen

09:56:26 Rep. B. Brown

09:56:39 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

09:56:57 **Motion/Vote:** Vice Chair Kelker moved that **HB 110 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

EXECUTIVE ACTION ON HB 145

09:57:47 **Motion:** Vice Chair Kelker moved that **HB 145 DO PASS**.

Discussion:

09:57:52 Chair Doane

09:58:33 Rep. Skees

09:58:55 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

EXECUTIVE ACTION ON HB 155

09:59:44 **Motion:** Vice Chair Kelker moved that **HB 155 DO PASS**.

Discussion:

09:59:50 Chair Doane

10:00:05 **Motion:** Rep. C. Knudsen moved that **HB 155 BE AMENDED**.
[EXHIBIT\(juh14a04\)](#)

Discussion:

10:00:20 Rachel Weiss, LSD

10:01:10 Rep. Farris-Olsen

10:01:35 Rep. C. Knudsen

10:01:53 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

10:02:12 **Motion/Vote:** Vice Chair Kelker moved that **HB 155 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

EXECUTIVE ACTION ON HJ 5

10:03:00 **Motion:** Vice Chair Kelker moved that **HJ 5 DO PASS**.

Discussion:

10:03:07 Chair Doane

10:03:24 **Motion:** Rep. Morigeau moved that **HJ 5 BE AMENDED.**
EXHIBIT(juh14a05)

Discussion:

10:03:40 Rachel Weiss, LSD

10:04:14 Vice Chair Kelker

10:04:34 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

10:04:55 **Motion:** Vice Chair Kelker moved that **HJ 5 DO PASS AS AMENDED.**

Discussion:

10:05:10 Rachel Weiss, LSD

10:05:17 Vice Chair Kelker

10:05:32 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

10:05:52 Chair Doane

ADJOURNMENT

Adjournment:
10:06:17

Abigail Konen, Clerk

ak

Additional Documents:

EXHIBIT([juh14aad.pdf](#))

Amendments to House Bill No. 47
1st Reading Copy

Requested by Representative Theresa Manzella

For the House Judiciary Committee

Prepared by Rachel Weiss
January 18, 2019 (11:09am)

1. Page 2, line 23 through line 24.

Strike: "should be" on line 23 through "expungement" on line 24

Following: "constitution"

Insert: "of the offense can be identified"

2. Page 2, line 26.

Following: "notify the victim"

Insert: "of the offense and document the attempt. The
notification must include that the victim has the right to
respond to the expungement request"

- END -

Explanation - If the amendment is placed on the bill, the new
text of 46-18-1101(1)(b) would read as follows:

(b) The district court shall determine whether a victim of the offense can be identified. If a victim is identified by the district court, the prosecution office responsible for the conviction for which expungement is being requested must attempt to notify the victim of the offense and document the attempt. The notification must include that the victim has the right to respond to the expungement request. If the victim appears, the victim must be given an opportunity to respond.

66th LEGISLATURE 2019 SESSION

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BUSINESS REPORT
MONTANA HOUSE OF REPRESENTATIVES
66th LEGISLATURE - REGULAR SESSION
HOUSE JUDICIARY COMMITTEE

Date: Thursday, January 24, 2019
Place: Capitol

Time: 8:00 AM
Room: 137

BILLS and RESOLUTIONS HEARD:

HB 244 - Constitutional amendment to change const. amendment signature requirements - Rep. Steve Gunderson
HB 245 - Constitutional amendment to revise initiative signature requirements - Rep. Steve Gunderson
HB 246 - Revise laws for out-of-state subpoenas - Rep. Lola Sheldon-Galloway

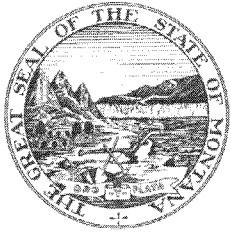
EXECUTIVE ACTION TAKEN:

HB 36 - Be Tabled
HB 47 - Do Pass as Amended
HB 97 - Be Tabled
HB 110 - Do Pass as Amended
HB 145 - Do Pass
HB 155 - Do Pass as Amended
HJ 5 - Do Pass as Amended

Comments:



REP. Alan Doane, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

DATE: 1.24.19

NAME	PRESENT	ABSENT/EXCUSED
REP. USHER, VICE CHAIR		✓
REP. BERGLEE		✓
REP. KELKER, VICE CHAIR	✓	
REP. BOB BROWN	✓	
REP. TERRY MOORE	✓	
REP. BISHOP	✓	
REP. KROTKOV	✓	
REP. BESSETTE	✓	
REP. FARRIS-OLSEN	✓	
REP. LENZ	✓	
REP. SKEES	✓	
REP. PERRY	✓	
REP. MANZELLA	✓	
REP. DEVRIES	✓	
REP. DUNN	✓	
REP. MORIGEAU	✓	
REP. KEOGH	✓	
REP. CASEY KNUDSEN	✓	
REP. DOANE, CHAIR	✓	

19 MEMBERS



HOUSE STANDING COMMITTEE REPORT

January 24, 2019

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 47** (first reading copy -- white) do pass as amended.

Signed: _____

Ajan Doane
Representative Ajan Doane, Chair

And, that such amendments read:

1. Title, page 1, line 6.

Following: "FINGERPRINTED;"

Insert: "ELIMINATING A REQUIREMENT TO RETURN FINGERPRINT AND PHOTOGRAPH INFORMATION TO CERTAIN INDIVIDUALS;"

2. Title, page 1, line 8.

Following: "RECORDS;"

Insert: "REVISING THE CRIMES FOR WHICH EXPUNGEMENT MAY NOT BE PRESUMED;"

3. Page 2, line 2.

Strike: "must"

Insert: "may not"

Strike: "if"

Insert: "unless"

Following: "individual is"

Insert: ":"

4. Page 2.

Following: line 2

Insert: "(a)"

5. Page 2, line 3.

Following: "incarcerated"

Strike: "or if" through "incarceration"

Insert: "; or"

Committee Vote:

Yes 19, No 0

Fiscal Note Required ____

(b) sentenced to a term of incarceration, whether or not the term of incarceration was suspended by the sentencing judge"

6. Page 2, line 13.

Following: "which shall"

Strike: "return"

Insert: "expunge"

7. Page 2, line 14.

Strike: "to the individual from whom they were taken"

8. Page 2, line 23 through line 24.

Strike: "should be" on line 23 through "expungement" on line 24

Following: "~~constitution~~"

Insert: "of the offense can be identified"

9. Page 2, line 26.

Following: "notify the victim"

Insert: "of the offense and document the attempt. The notification must include that the victim has the right to respond to the expungement request"

- END -



HOUSE STANDING COMMITTEE REPORT

January 24, 2019

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Joint Resolution 5** (first reading copy -- white) **do pass as amended.**

Signed: _____

Alan Doane
Representative Alan Doane, Chair

And, that such amendments read:

1. Title, page 1, line 5.

Following: "DEFERRED PROSECUTION"

Insert: "AND PRETRIAL DIVERSION"

2. Page 1, line 14.

Following: "WHEREAS,"

Strike: "these agreements"

Insert: "deferred prosecution and pretrial diversion programs"

3. Page 1, line 17.

Following: "prosecution"

Strike: "agreements"

Insert: "and pretrial diversion programs"

4. Page 1, line 19.

Following: "allowing for"

Strike: "pretrial diversion programs and"

5. Page 1, line 30.

Following: "prosecution"

Insert: "and pretrial diversion"

6. Page 2, line 3.

Following: "prosecution"

Insert: "or pretrial diversion"

Committee Vote:

Yes 19, No 0

Fiscal Note Required ☐

NB
1.24

7. Page 2, line 5.

Following: "prosecution"

Insert: "and pretrial diversion"

8. Page 2, line 6.

Following: "prosecution"

Insert: "and pretrial diversion"

9. Page 2, line 9.

Following: "MCA, and"

Insert: "the"

- END -



HOUSE STANDING COMMITTEE REPORT

January 24, 2019

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 155** (first reading copy -- white) **do pass as amended.**

Signed: _____

Alan Doane
Representative Alan Doane, Chair

And, that such amendments read:

1. Title, page 1, line 4.

Following: "KNIVES;"

Strike: "AND"

Insert: "PROVIDING AN EXCEPTION;"

2. Title, page 1, line 5.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 9.

Following: "enactments."

Strike: "Local"

Insert: "(1) Except as provided in subsection (2), local"

4. Page 1.

Following: line 11

Insert: "(2) Subsection (1) does not apply to a local government ordinance, rule, or regulation prohibiting the possession of a knife on property or in a building owned, leased, or possessed by the local government entity."

5. Page 1.

Following: line 18

Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

Committee Vote:

Yes 19, No 0

Fiscal Note Required ____

HB0155001SC.hlc

124

January 24, 2019

Page 2 of 2

- END -



HOUSE STANDING COMMITTEE REPORT

January 24, 2019

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 110** (first reading copy -- white) **do pass as amended.**

Signed: _____

Alan Doane
Representative Alan Doane, Chair

And, that such amendments read:

1. Title, page 1, line 8.

Following: "ASSESSMENT;"

Insert: "REMOVING THE LIMITATION ON WHAT TYPE OF ORGANIZATION MAY
CONTRACT WITH A COUNTY TO PROVIDE SERVICES;"

2. Page 1, line 22.

Strike: "nonprofit"

- END -

Committee Vote:

Yes 19, No 0

Fiscal Note Required X

HB0110001SC.hlc



HOUSE STANDING COMMITTEE REPORT

January 24, 2019

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 145** (first reading copy -- white) **do pass.**

Signed: _____

Alan Doane
Representative Alan Doane, Chair

- END -

Committee Vote:

Yes 19, No 0

Fiscal Note Required ____

HB0145001SC.hlc

NB
1.21

BILL TABLED NOTICE

HOUSE JUDICIARY COMMITTEE

The HOUSE JUDICIARY COMMITTEE TABLED

HB 36 - Revise laws related to the code commissioner and publication of the MCA - Rep. Seth Berglee

HB 97 - Generally revise POST Council statutes - Rep. Frank Garner

by motion, on **Thursday, January 24, 2019** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).



(For the Committee)



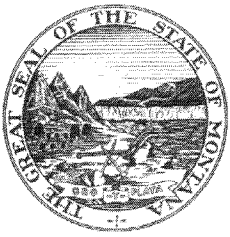
(For the Chief Clerk of the House)

11:35 / 1.24
(Time) (Date)

January 24, 2019 (11:29am)

Abigail Konen, Secretary

Phone: 444-4847



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 97

DATE 1.24.19

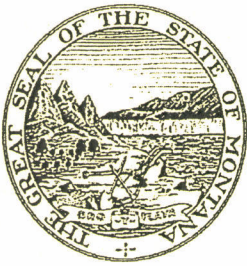
MOTION Do Pass

NAME	AYE	NO	PROXY
REP. USHER, VICE CHAIR		✓	✓
REP. BERGLEE		✓	✓
REP. KELKER, VICE CHAIR	✓		
REP. BOB BROWN		✓	
REP. TERRY MOORE		✓	
REP. BISHOP	✓		
REP. KROTKOV	✓		
REP. BESSETTE	✓		
REP. FARRIS-OLSEN	✓		
REP. LENZ		✓	
REP. SKEES		✓	
REP. PERRY	✓		
REP. MANZELLA		✓	
REP. DEVRIES		✓	
REP. DUNN		✓	
REP. MORIGEAU	✓		
REP. KEOGH	✓		
REP. CASEY KNUDSEN		✓	
REP. DOANE, CHAIR		✓	

4

11

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 66TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Usher.

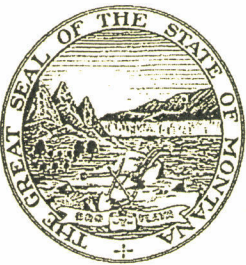
BILL	AYE	NO
HB 36 <i>Table</i>		
HB 47 <i>As Amended</i>	X	
HB 97 <i>do pass</i>		X
HB 110 <i>Amended</i>	X	
HB 145 <i>do pass</i>	X	
HB 155 <i>As Amended</i>	X	
HT 5 <i>As Amended</i>	X	

BILL	AYE	NO
Amend HB 36	X	
Table HB 36	X	
Amend HB 47 <i>15510's ARW</i>	X	
Amend HB 47 <i>correct ARW</i>	X	
Table HB 97	X	
Amend 110	X	
Amend 155	X	
Amend HT 5	X	

I authorize my vote to be matched with that of Rep. Doane
for any amendments proposed on this date.

Rep. Letty Bergler
(Signature)

Date 1-24



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 66TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.
I desire to leave my proxy vote with Rep. _____.

BILL	AYE	NO
HB 36 Table		
HB 47 as Amended	X	
HB 97 do pass		X
HB 110 Amended	X	
HB 145 do pass	X	
HB 155 do pass as amended	X	
HJ 5 as Amended	X	

BILL	AYE	NO
Amend HB 36	X	
Table HB 36	X	
Amend HB 47 15501 N.M.M.	X	
Amend HB 47 4202 ARW	X	
Table HB 97	X	
Amend 110	X	
Amend 155	X	
Amend HJ 5	X	

I authorize my vote to be matched with that of Rep. _____
for any amendments proposed on this date.

Rep. [Signature]
(Signature)

Date 1-24

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, January 24, 2019

HB 244 - Constitutional amendment to change const. amendment signature requirements

Sponsor: Rep. Steve Gunderson

TESTIMONY LENGTH WILL BE AT THE DISCRETION OF THE CHAIR.

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, January 24, 2019

HB 245 - Constitutional amendment to revise initiative signature requirements

Sponsor: Rep. Steve Gunderson

TESTIMONY LENGTH WILL BE AT THE DISCRETION OF THE CHAIR.

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, January 24, 2019

HB 246 - Revise laws for out-of-state subpoenas

Sponsor: Rep. Lola Sheldon-Galloway

TESTIMONY LENGTH WILL BE AT THE DISCRETION OF THE CHAIR.

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 7, 2019 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Diane Sands, Vice Chair (D)
Sen. Bryce Bennett (D)
Sen. John Esp (R)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Gordon Vance (R)

Members Excused: Sen. Scott Sales (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Noah Horan, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 47, 2/1/2019; SB 184, 2/1/2019; SR 20, 2/1/2019

Executive Action: SB 138 TABLED; SR 10 BE ADOPTED

09:01:24 Sen. Fielder assumed the chair.

HEARING ON SR 20

Opening Statement by Sponsor:

09:01:35 Sen. Keith Regier (R), SD 3, opened the hearing on SR 20, Confirm Governor's appointee for Water Court judge.

Proponents' Testimony:

09:02:16 Stephen Brown, appointee
09:04:37 Beth McLaughlin, Montana Supreme Court
09:05:13 Mike Murphy, Montana Water Resources Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:06:13 Sen. Sands
09:06:26 Mr. Brown, appointee
09:06:34 Sen. Sands
09:06:36 Mr. Brown
09:06:58 Sen. Sands
09:07:17 Mr. Brown
09:08:49 Sen. Sands
09:09:09 Mr. Brown
09:10:06 Sen. Sands
09:10:13 Sen. Fielder
09:10:24 Mr. Brown
09:10:56 Sen. Fielder
09:11:03 Mr. Brown
09:11:16 Sen. Fielder
09:11:20 Mr. Brown
09:12:04 Sen. Fielder
09:12:18 Mr. Brown

Closing by Sponsor:

09:12:38 Sen. Regier

09:12:53 Sen. Regier resumed the chair.

HEARING ON HB 47

Opening Statement by Sponsor:

09:13:23 Rep. Terry Moore (R), HD 54, opened the hearing on HB 47, Generally revise criminal records laws.

Proponents' Testimony:

09:16:58 Jon Bennion, Montana Attorney General's Office (AG)

Opponents' Testimony: None

Informational Testimony:

09:20:42 Jason Bright, Division of Criminal Investigations, Department of Justice (DOJ)

09:21:06 Greg Mohr, Montana Magistrates Association

Questions from Committee Members and Responses:

09:21:24 Sen. Sands

09:22:03 Mr. Bennion, AG

09:22:44 Sen. Sands

09:23:04 Sen. Gross

09:23:42 Mr. Bennion

Closing by Sponsor:

09:24:35 Rep. Moore

09:25:26 Sen. MacDonald

[EXHIBIT\(jus25a01\)](#)

[EXHIBIT\(jus25a02\)](#)

EXECUTIVE ACTION ON SB 138

09:26:23 **Motion/Vote:** Sen. Hinebauch moved that **SB 138 BE TABLED**. Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

[EXHIBIT\(jus25a03\)](#)

EXECUTIVE ACTION ON SR 10

09:27:12 **Motion:** Sen. Fielder moved that **SR 10 BE ADOPTED**.

Discussion:

09:27:22 Sen. Sands

09:27:47 Chair Regier

09:28:05 **Vote:** Motion carried 9-1 by voice vote with Sen. Vance voting no. Sen. S. Sales voted by proxy.

HEARING ON SB 184

Opening Statement by Sponsor:

09:28:32 Sen. Roger Webb (R), SD 23, opened the hearing on SB 184, Generally revise laws related to tenant debt.

[EXHIBIT\(jus25a04\)](#)

Proponents' Testimony:

09:32:10 John Sinrud, Montana Landlords Association (MLA)

09:36:57 Rick Linafelter, president, Montana Landlords Association (MLA)

09:37:23 Raymond Linder, self

[EXHIBIT\(jus25a05\)](#)

09:39:54 Karl Christians, self
 09:43:22 Travis Martinez, self
 09:47:39 Chris Mockel, self
 09:50:49 George Harris, Helena Association of Realtors
 09:51:29 Laurie Koutnik, Helena Association of Realtors
 09:54:06 Sherry Featherly, Missoula Property Management
 09:55:30 Joshua Bibbau, self

Opponents' Testimony:

09:56:39 Travis Dye, self
 10:11:23 Sam Forstag, Montana Associated Students
 10:16:07 Brenna Love, Associated Students of the University of Montana
 10:17:47 Kim Wilson, self

EXHIBIT(jus25a06)

10:22:12 Geneva Zoltek, Associated Students of Montana State University
 10:24:41 Michael Toppen, Montana Public Interest Research Group (MontPIRG)
 10:26:17 Zuri Moreno, American Civil Liberties Union of Montana (ACLU)

Informational Testimony: None

Questions from Committee Members and Responses:

10:27:51 Sen. Bennett
 10:28:19 Mr. Dye, self
 10:29:49 Sen. Bennett
 10:30:20 Mr. Dye
 10:32:15 Sen. Bennett
 10:33:09 Mr. Dye
 10:35:09 Chair Regier
 10:35:27 Mr. Dye
 10:37:11 Chair Regier
 10:37:45 Mr. Toppen, MontPIRG
 10:38:11 Sen. Fielder
 10:38:32 Mr. Dye
 10:39:32 Sen. Fielder
 10:39:46 Mr. Sinrud, MLA

Closing by Sponsor:

10:43:09 Sen. Webb

10:55:01 Sen. MacDonald

EXHIBIT(jus25a07)

10:56:49 Sen. Fielder
 10:56:55 Sen. MacDonald

ADJOURNMENT

Adjournment: 10:57 AM

Noah Horan, Secretary

nh

Additional Documents:

EXHIBIT([jus25aad.pdf](#))

66th LEGISLATURE 2019 SESSION

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example@ petitions,
news clippings ectara.**

BUSINESS REPORT
MONTANA SENATE
66th LEGISLATURE - REGULAR SESSION
SENATE JUDICIARY COMMITTEE

Date: Thursday, February 7, 2019
Place: Capitol

Time: 9:00 AM
Room: 303

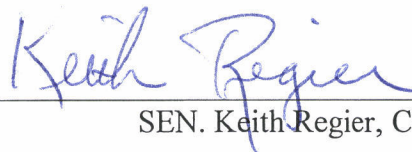
BILLS and RESOLUTIONS HEARD:

HB 47 - Generally revise criminal records laws - Rep. Terry Moore
SB 184 - Generally revise laws related to tenant debt - Sen. Roger Webb
SR 20 - Confirm Governor's appointee for Water Court judge - Sen. Keith Regier

EXECUTIVE ACTION TAKEN:

SB 138 - TABLED
SR 10 - BE ADOPTED

Comments:


SEN. Keith Regier, Chair

MONTANA STATE SENATE
ROLL CALL
JUDICIARY
COMMITTEE

DATE: Feb. 7th, 2019

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Regier	✓	
Vice Chair Fielder	✓	
Vice Chair Sands	✓	
Senator Bennett	✓	
Senator Esp	✓	
Senator Gross	✓	
Senator Hinebauch	✓	
Senator MacDonald	✓	
Senator Sales		✓
Senator Vance	✓	

10 Committee Members



SENATE STANDING COMMITTEE REPORT

February 7, 2019

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **Senate Resolution 10** (first reading copy -- white) **be adopted.**

Signed: _____

Keith Regier
Senator Keith Regier, Chair

- END -

Committee Vote:

Yes 9, No 1

Fiscal Note Required ____

SR0010002SC.slk

COMMITTEE FILE COPY

BILL TABLED NOTICE

SENATE JUDICIARY COMMITTEE

The **SENATE JUDICIARY COMMITTEE** TABLED

SB 138 - Revise fair market valuation with respect to eminent domain - Sen. Steve Hinebauch

by motion, on **Thursday, February 7, 2019** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).


(For the Committee)


(For the Secretary of the Senate)
11:15a / 2/7
(Time) (Date)

February 7, 2019 (11:11am)

Noah Horan, Secretary

Phone: 444-4751

SENATE PROXY

I, Senator Scott SALES, hereby authorize Senator FIELDER to vote my proxy before the Senate meeting held on 2-7, 2019.



Senator Signature

2-7-19
Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

SENATE JUDICIARY COMMITTEE

Sponsor: **Sen. Roger Webb**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE JUDICIARY COMMITTEE

Sponsor: **Sen. Keith Regier**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE JUDICIARY COMMITTEE

Sponsor: **Rep. Terry Moore**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Thursday, February 7, 2019

SB 184 - Generally revise laws related to tenant debt

Sponsor: Sen. Roger Webb

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Laurie Koutnik	Helena Assoc. of Realtors	✓		
RANDY KOUTNIK	CAPITAL CITY REALTY + PROP MGMT	✓		
Geneva Zottel	ASMSU		✓	
Michael Toppen	Mont PIRG		✓	
Larry Brown	BlackJack Realty	✓		
John SINKUD	MT LANDLORDS ASSOC	X		
Dusty D Linderfelt	MT LANDLORDS ASSOC	X		
Raymond LINDER	Self	X		
Chris A. Munkel	Topher Realty			
Jennifer Swartz	Helena Association Realtors	X		
Shirley Eder	Topher Realty	✓		
Karl Christians	Self	✓		
William Darcy	Maverick Darcy Prop.	✓		
Kim Wilson	Self		✓	
Travis Dye	Self		✓	
Brenna Love	ASUM		X	
Sam Forstg	MAG		✓	
PAUL HEILKE	LPIL, INC.	✓		
Sherin Featherly	MPM	✓		
Travis Martinez	Greener MT Properties	✓		
Sandra Kokomda	Hometown Solutions	✓		
George H Harris	Helena Association of Realtors	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 8, 2019 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Diane Sands, Vice Chair (D)
Sen. Bryce Bennett (D)
Sen. Steve Hinebauch (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Gordon Vance (R)

Members Excused: Sen. John Esp (R)
Sen. Jen Gross (D)
Sen. Scott Sales (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Noah Horan, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 155, 2/1/2019; HB 110, 2/1/2019; HB 136, 2/1/2019

Executive Action: SB 172 TABLED; SR 20 BE ADOPTED; HB 47 BE
CONCURRED; SB 184 TABLED

HEARING ON HB 110

Opening Statement by Sponsor:

09:02:51 Rep. Ryan Lynch (D), HD 76, opened the hearing on HB 110, Generally revise pretrial diversion laws.

Proponents' Testimony:

09:04:52 Beth McLaughlin, administrator, Montana Supreme Court

[EXHIBIT\(jus26a01\)](#)

[EXHIBIT\(jus26a02\)](#)

09:09:01 Leo Gallagher, county attorney, Lewis and Clark County (LCC)

09:13:41 Suzanne Seburn, Office of the Public Defender (OPD)

09:15:31 Patrick Webb, Americans for Prosperity Montana (AFP)

09:16:26 Zuri Moreno, American Civil Liberties Union of Montana (ACLU)

Opponents' Testimony: None

Informational Testimony:

09:16:58 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Questions from Committee Members and Responses:

09:17:22 Chair Regier

09:17:38 Rep. Lynch

09:17:47 Sen. Sands

09:18:10 Ms. Young, MCADSV

09:18:52 Sen. Sands

09:19:14 Ms. Young

09:19:58 Sen. Sands

09:20:00 Rep. Lynch

09:20:17 Sen. Sands

09:20:41 Rep. Lynch

09:21:11 Sen. Sands

09:21:20 Mr. Gallagher, LCC

09:22:39 Sen. Sands

09:23:06 Ms. McLaughlin, Supreme Court

09:23:41 Sen. MacDonald

09:24:16 Mr. Gallagher

09:24:51 Sen. MacDonald

09:25:02 Mr. Gallagher

09:25:28 Sen. MacDonald

09:25:33 Mr. Gallagher

Closing by Sponsor:

09:25:44 Rep. Lynch

HEARING ON SB 155

Opening Statement by Sponsor:

09:26:38 Sen. Roger Webb (R), SD 23, opened the hearing on SB 155, Revising mandatory minimums for certain sexual offenses.

Proponents' Testimony:

09:28:13 Bill Fulbright, county attorney, Ravalli County
 09:36:51 Dan Guzynski, assistant attorney general, Montana Attorney General's Office (AG)
 09:46:30 Jed Fitch, county attorney, Beaverhead County
 09:47:49 Jesse Slaughter, sheriff, Cascade County
 09:51:16 Mark Murphy, Montana Association of Chiefs of Police (MACOP)
 09:52:00 Mayre Flowers, self

EXHIBIT(jus26a03)

10:02:27 Eric Gilbertson, sergeant, Lewis and Clark County Sheriff's Office

Opponents' Testimony:

10:04:48 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Informational Testimony:

10:08:52 Suzanne Seburn, Office of the Public Defender (OPD)

Questions from Committee Members and Responses:

10:09:14 Sen. Fielder
 10:11:05 Julianne Burkhardt, Legislative Services Division (LSD)
 10:11:12 Sen. Fielder
 10:11:50 Ms. Burkhardt, LSD
 10:12:18 Sen. Fielder
 10:13:38 Sen. Webb
 10:13:53 Ms. Burkhardt
 10:14:49 Sen. Fielder
 10:15:09 Mr. Fulbright, Ravalli County
 10:17:43 Sen. Fielder
 10:18:11 Ms. Flowers, self
 10:18:20 Chair Regier
 10:18:36 Mr. Fulbright
 10:21:08 Chair Regier
 10:21:16 Mr. Fulbright
 10:21:22 Sen. Fielder
 10:21:46 Mr. Fulbright
 10:22:31 Sen. Fielder
 10:22:54 Mr. Fulbright
 10:23:41 Sen. Fielder
 10:24:04 Mr. Fulbright
 10:24:11 Sen. MacDonald
 10:25:22 Mr. Guzynski, AG
 10:28:52 Sen. MacDonald

10:29:19 Mr. Guzynski
10:29:25 Sen. MacDonald
10:30:04 Mr. Guzynski

Closing by Sponsor:

10:30:44 Sen. Webb

HEARING ON HB 136

Opening Statement by Sponsor:

10:31:56 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 136, Abolish premarital blood test for women.

Proponents' Testimony:

10:34:28 Jessie Luther, Montana Association of Clerks of District Court

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

10:35:38 Sen. Hinebauch
10:36:10 Rep. Dudik

Closing by Sponsor:

10:37:29 Rep. Dudik

10:37:54 Recess
10:50:19 Reconvened

EXECUTIVE ACTION ON SB 172

10:51:54 **Motion:** Sen. MacDonald moved that **SB 172 DO PASS.**

Discussion:

10:52:56 Sen. Fielder
10:53:09 Chair Regier
10:53:22 Ms. Burkhardt
10:53:37 Sen. Fielder
10:54:10 Chair Regier
10:54:43 Sen. Fielder
10:54:56 Ms. Burkhardt
10:55:52 Sen. MacDonald
10:56:05 Sen. Fielder

10:56:21 **Vote:** Motion failed 2-8 by roll call vote with Sen. Gross and Sen. MacDonald voting aye. Sen. Esp, Sen. Gross and Sen. S. Sales voted by proxy.

10:57:18 **Motion/Vote:** Sen. Fielder moved that **SB 172 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Sen. Esp, Sen. Gross and Sen. S. Sales voted by proxy.

10:57:32 Sen. MacDonald

EXECUTIVE ACTION ON SR 20

10:58:56 **Motion/Vote:** Sen. Fielder moved that **SR 20 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Esp, Sen. Gross and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON HB 47

11:00:24 **Motion/Vote:** Sen. Fielder moved that **HB 47 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Esp, Sen. Gross and Sen. S. Sales voted by proxy. Sen. MacDonald will carry the bill.

11:01:40 Sen. Sands

EXECUTIVE ACTION ON SB 184

11:02:48 **Motion:** Sen. Fielder moved that **SB 184 DO PASS**.

11:03:28 **Motion/Vote:** Sen. Fielder moved that **SB 184 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Esp, Sen. Gross and Sen. S. Sales voted by proxy.

EXHIBIT(jus26a04)

11:04:22 **Motion:** Sen. Fielder moved that **SB 184 DO PASS AS AMENDED**.

Discussion:

11:04:35 Sen. Bennett

11:07:14 Chair Regier

11:07:48 Sen. Hinebauch

11:08:23 Sen. Bennett

11:10:02 Sen. Hinebauch

11:10:35 Sen. Fielder

11:11:02 **Vote:** Motion failed 5-5 by roll call vote with Sen. Esp, Sen. Hinebauch, Sen. K. Regier, Sen. S. Sales and Sen. Vance voting aye. Sen. Esp, Sen. Gross and Sen. S. Sales voted by proxy.

11:12:24 **Motion/Vote:** Sen. Fielder moved that **SB 184 BE TABLED**. Motion carried unanimously by voice vote. Sen. Esp, Sen. Gross and Sen. S. Sales voted by proxy.

ADJOURNMENT

Adjournment: 11:15 AM

Noah Horan, Secretary

nh

Additional Documents:

EXHIBIT([jus26aad.pdf](#))

66th LEGISLATURE 2019 SESSION

Additional Documents

Business Page

Proxies

Roll Call

Witness Statements

Standing Committee
Reports

Informational items
Visitor Registrations

Table Bills

Any Document or
material presented
after the meeting for
example@ petitions,
news clippings ectara.

Fiscal reports

Tabled Bills

Roll Call Votes

BUSINESS REPORT
MONTANA SENATE
66th LEGISLATURE - REGULAR SESSION
SENATE JUDICIARY COMMITTEE

Date: Friday, February 8, 2019
Place: Capitol

Time: 9:00 AM
Room: 303

BILLS and RESOLUTIONS HEARD:

HB 110 - Generally revise pretrial diversion laws - Rep. Ryan Lynch
HB 136 - Abolish premarital blood test for women - Rep. Kimberly Dudik
SB 155 - Revising mandatory minimums for certain sexual offenses - Sen. Roger Webb

EXECUTIVE ACTION TAKEN:

SB 172 - TABLED
SR 20 - BE ADOPTED
HB 47 - BE CONCURRED IN
SB 184 - TABLED

Comments:



SEN. Keith Regier, Chair

MONTANA STATE SENATE
ROLL CALL
JUDICIARY
COMMITTEE

DATE: Feb. 8th, 2019

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Regier	✓	
Vice Chair Fielder	✓	
Vice Chair Sands	✓	
Senator Bennett	✓	
Senator Esp		✓
Senator Gross		✓
Senator Hinebauch	✓	
Senator MacDonald	✓	
Senator Sales		✓
Senator Vance	✓	

10 Committee Members



SENATE STANDING COMMITTEE REPORT

February 8, 2019

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **Senate Resolution 20** (first reading copy -- white) **be adopted.**

Signed: _____

Keith Regier
Senator Keith Regier, Chair

- END -

Committee Vote:

Yes 10, No 0

Fiscal Note Required ☐

SR0020002SC.slk



SENATE STANDING COMMITTEE REPORT

February 8, 2019

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **House Bill 47** (third reading copy -- blue) be **concurred in**.

Signed: _____

Keith Regier
Senator Keith Regier, Chair

To be carried by Senator Margaret (Margie) MacDonald

- END -

Committee Vote:

Yes 10, No 0

Fiscal Note Required ____

HB0047001SC13682.slk

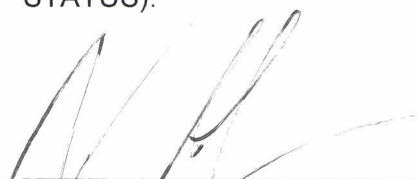
BILL TABLED NOTICE

SENATE JUDICIARY COMMITTEE

The **SENATE JUDICIARY COMMITTEE** TABLED

SB 172 - Generally revise post conviction relief laws - Sen. Margaret (Margie) MacDonald
SB 184 - Generally revise laws related to tenant debt - Sen. Roger Webb

by motion, on **Friday, February 8, 2019** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).



(For the Committee)



(For the Secretary of the Senate)
11:48 / 2/8
(Time) (Date)

February 8, 2019 (11:42am)

Noah Horan, Secretary

Phone: 444-4751

**MONTANA STATE SENATE
ROLL CALL VOTE
JUDICIARY
COMMITTEE**

DATE: 2/8/19, 2019 BILL # SB 172 VOTE: 2-8
MOTION: SB 172 DO PASS

NAME	AYE	NO	PROXY	EXCUSED	ABSENT
VICE CH. FIELDER		✓			
VICE CH. SANDS		✓			
SEN. BENNETT		✓			
SEN. ESP		✓	✓		
SEN. GROSS	✓		✓	✓	
SEN. HINEBAUCH		✓			
SEN. MACDONALD	✓				
PRES. SALES		✓	✓		
SEN. VANCE		✓			
CHAIRMAN REGIER		✓			

2

**MONTANA STATE SENATE
ROLL CALL VOTE
JUDICIARY
COMMITTEE**

DATE: 2/8/19, 2019 BILL # SB 184 VOTE 5-5

MOTION: SB 184 DO PASS AS AMENDED

NAME	AYE	NO	PROXY	EXCUSED	ABSENT
VICE CH. FIELDER		✓			
VICE CH. SANDS		✓			
SEN. BENNETT		✓			
SEN. ESP	✓		✓		
SEN. GROSS		✓	✓		
SEN. HINEBAUCH	✓				
SEN. MACDONALD		✓			
PRES. SALES	✓		✓		
SEN. VANCE	✓				
CHAIRMAN REGIER	✓				

SENATE PROXY

I, Senator Scott Sales, hereby authorize Senator FILDER to vote my proxy before the Senate JUDICIARY meeting held on 2-8-19, 2019.



Senator Signature

2-8-19

Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

SENATE PROXY

I, Senator John Esp, hereby authorize Senator
REGIER to vote my proxy before the Senate
JUDICIARY meeting held on 2-8, 2019.

Senator Signature

Date _____

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

SENATE PROXY

I, Senator Gross, hereby authorize Senator Sands to vote my proxy before the Senate meeting held on 2/08/2019, 2019.

Senator Signature

Date _____

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

MONTANA STATE SENATE

Visitors Register

SENATE JUDICIARY COMMITTEE

Friday, February 8, 2019

HB 110 - Generally revise pretrial diversion laws

Sponsor: Rep. Ryan Lynch

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE JUDICIARY COMMITTEE

Sponsor: **Sen. Roger Webb**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Friday, February 8, 2019

HB 136 - Abolish premarital blood test for women

Sponsor: Rep. Kimberly Dudik

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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Email: mtlawlibrary@mt.gov
Phone: 406-444-3660
Fax: 406-444-3603

Legislative History – Montana Session Law

Chapter: 22

Session L: 2019

Checklist of Bill History

Bill Number: HB 47

History and Final Status Sheet ☒

Introduced Bill ☒

Fiscal Note ☐

Third Reading Bill ☐

Final Version of Bill ☐

House	Senate
Committee: Judiciary	Committee: Judiciary
Hearing Date(s): 1/14/2019	Hearing Date(s): 2/7/2019
Committee Report: 1/24/2019	Committee Report: 2/8/2019

Compiler Notes

Compiled by: SK Marshall

Date: 1/8/2025

Notes: Audio/Video recordings can be found here:

Senate Hearing: <https://sg001->

[harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20190207/-1/33809#handoutFile](https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20190207/-1/33809#handoutFile)